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BEFORE THE ARIZONA CORPORATION COMMISSION

25H

COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

2009 MAY -8 A 10:14

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION  
OF PINEVIEW WATER COMPANY, INC.  
FOR APPROVAL OF AN INCREASE IN ITS  
WATER RATES.

DOCKET NO. W-01676A-08-0366

RATE CASE  
PROCEDURAL ORDER

**BY THE COMMISSION:**

On July 18, 2008, Pineview Water Company, Inc. ("Pineview" or "Company") filed the above-captioned rate application with the Arizona Corporation Commission ("Commission").

On August 15, 2008, the Commission's Utilities Division Staff ("Staff") filed a letter informing the Company that its application had not met the sufficiency requirements of the Commission's rules.

On August 22, 2008, Pineview filed its response to the Letter of Deficiency.

On September 19, 2008, Staff filed a second Letter of Deficiency.

On October 7, 2008, Pineview filed a second revised application.

On November 5, 2008, Staff filed a third Letter of Deficiency.

On November 18, 2008, Pineview filed a third revised application.

On December 17, 2008, Staff filed a fourth Letter of Deficiency.

On March 8, 2009, Pineview filed revised schedules C-1, B-1 and H-5.

On April 8, 2009, Staff filed a fifth Letter of Deficiency.

On April 13, 2009, Pineview filed revised schedules B-1.1.

On April 23, 2009, Staff filed a letter indicating the Company's rate application was sufficient, and classifying the Company as a Class C utility.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

Arizona Corporation Commission

**DOCKETED**

**MAY -8 2009**

DOCKETED BY

NR

1 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall  
2 commence on **November 2, 2009, at 10:00 a.m.**, or as soon thereafter as is practical, at the  
3 Commission's offices, Hearing Room 1, 1200 West Washington, Phoenix, Arizona 85007.

4 IT IS FURTHER ORDERED that the **Staff Report and/or any direct testimony and**  
5 **associated exhibits** to be presented at hearing **on behalf of Staff** shall be reduced to writing and filed  
6 on or before **September 4, 2009**.

7 IT IS FURTHER ORDERED that any **direct testimony and associated exhibits** to be  
8 presented at hearing **on behalf of intervenors** shall be reduced to writing and filed on or before  
9 **September 4, 2009**.

10 IT IS FURTHER ORDERED that the Company shall file its **Response to the Staff Report**  
11 **and to any intervenors' testimony** on or before **September 30, 2009**. The Response may be in the  
12 form of rebuttal testimony, and shall include any associated exhibits.

13 IT IS FURTHER ORDERED that any **surrebuttal testimony** and associated exhibits to be  
14 presented at the hearing by the Staff and by intervenors shall be reduced to writing and filed on or  
15 before **October 14, 2009**.

16 IT IS FURTHER ORDERED that any **rejoinder testimony** and associated exhibits to be  
17 presented at the hearing on behalf of the Company shall be reduced to writing and filed on or before  
18 **October 26, 2009**.

19 IT IS FURTHER ORDERED that any **substantive corrections, revisions, or supplements** to  
20 pre-filed testimony, the Staff Report or the Company's Response shall be reduced to writing and  
21 **presented at the hearing as an exhibit**.

22 IT IS FURTHER ORDERED that any **objections to any testimony or exhibits** which have  
23 been prefiled as of October 26, 2009, shall be filed on or before **October 29, 2009**.

24 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
25 105, except that all motions to intervene must be filed on or before **October 23, 2009**.

26 IT IS FURTHER ORDERED that **objections to intervention** shall be filed by **October 29,**  
27 **2009**.

1 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
2 regulations of the Commission, except that until October 1, 2009, any objection to discovery requests  
3 shall be made within 7 calendar days of receipt<sup>1</sup> and responses to discovery requests shall be made  
4 within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be made within  
5 5 calendar days and responses shall be made within 7 calendar days. The response time may be  
6 extended by mutual agreement of the parties involved if the request requires an extensive compilation  
7 effort; and no discovery requests shall be served after October 23, 2009.

8 IT IS FURTHER ORDERED that for discovery requests, objections, and answers, if a  
9 receiving party requests service to be made electronically and the sending party has the technical  
10 capability to provide service electronically, service to that party shall be made electronically.

11 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
12 discovery, any party seeking discovery may telephonically contact the Commission's Hearing  
13 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a  
14 request, a procedural hearing will be convened as soon as practicable; and that the party making such  
15 a request shall contact all other parties to advise them of the hearing date and shall at the procedural  
16 hearing provide a statement confirming that the other parties were contacted.<sup>2</sup>

17 IT IS FURTHER ORDERED that any motions filed in this matter that are not ruled upon by  
18 the Commission within 20 calendar days of the filing date of the motion shall be deemed denied.

19 IT IS FURTHER ORDERED that any responses to motions shall be filed within 5 calendar  
20 days of the filing date of the motion.

21 IT IS FURTHER ORDERED that any replies shall be filed within 5 calendar days of the  
22 filing date of the response.

23 IT IS FURTHER ORDERED that the **Company shall provide public notice** of the hearing  
24 in this matter, in the following form and style with the **heading in no less than 12 point bold type**  
25 **and the body in no less than 10 point regular type:**

26 \_\_\_\_\_  
27 <sup>1</sup> The date of receipt of discovery requests is not counted as a calendar day, and requests received after 4:00 p.m. MST  
will be considered as received the next business day.

28 <sup>2</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before  
seeking Commission resolution of the controversy.

**PUBLIC NOTICE OF HEARING ON THE RATE APPLICATION**  
**OF PINEVIEW WATER COMPANY, INC.**  
**(Docket No. W-01676A-08-0366)**

**Summary:**

On July 18, 2008, Pineview Water Company, Inc. ("Company") filed a rate application with the Arizona Corporation Commission. **The application did not specify a requested rate increase amount.**

The Commission's Utilities Division Staff is in the process of auditing and analyzing the Company's records but has not yet made a recommendation regarding the Company's rate proposal. The Commission's Utilities Division Staff will file a recommendation to the Commission on the Company's application on September 4, 2009, and copies of that filing will be available at the Commission's offices in the Docket Control Center for public inspection after that date. **If the recommendation of Staff is for a rate increase, additional notice will be provided to customers at that time.**

The Commission will determine the appropriate relief to be granted based on the evidence of record in the proceeding. The Commission is not bound by the proposals made by the Company, Staff, or any intervenors and therefore, the final rates approved may differ from the rates requested by the Company.

**How You Can View or Obtain a Copy of the Rate Proposal:**

Copies of the application and proposed tariffs are available at the Company's offices at [INSERT COMPANY ADDRESS] and the Commission's offices at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

**Arizona Corporation Commission Public Hearing Information:**

The Commission will hold a **hearing** on this matter beginning **November 2, 2009**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.

Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email, or by mailing a letter referencing Docket Number **W-01676A-08-0366** to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007 (visit <http://www.azcc.gov/divisions/utilities/forms/publiccomment.pdf> for a form and instructions). If you require assistance, you may contact the Consumer Services Section of the Commission at 602-542-4251 or 1-800-222-7000.

**About Intervenor Status:**

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you desire to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than **October 23, 2009**. You must also send a copy of the motion to intervene to the Company or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address and telephone number of any party upon whom service of documents is to be made if not yourself.
2. A short statement of your interest in the proceeding (e.g., a customer of the

Company, a shareholder of the Company, etc.).

3. A statement certifying that you have mailed a copy of the motion to intervene to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that **all motions to intervene must be filed on or before October 23, 2009**. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

**ADA/Equal Access Information:**

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, at [SABernal@azcc.gov](mailto:SABernal@azcc.gov), voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Company shall **mail to each of its customers** a copy of the above notice as a bill insert beginning with the first billing cycle in **June 2009, or by special mailing concluding no later than June 30, 2009**, and shall cause the above notice to be **published at least once in a newspaper of general circulation** in its service territory, with publication to be completed no later than **June 30, 2009**.

IT IS FURTHER ORDERED that the Company shall file **certification of mailing and publication** as soon as practicable, but **not later than July 15, 2009**.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and publication of same, notwithstanding the failure of an individual customer to read or receive the notice.

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the

Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 8<sup>th</sup> day of May, 2009.

  
TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

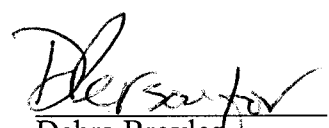
Copies of the foregoing mailed/delivered this 8<sup>th</sup> day of May, 2009 to:

Ronald L. McDonald, General Manager  
PINEVIEW WATER COMPANY, INC.  
5198 Club Lake Road  
Show Low, Arizona 85901

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

Ernest Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Avenue, Suite 502  
Phoenix, Arizona 85004-1481

By:   
Debra Broyles  
Secretary to Teena Wolfe